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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/593,573

**Applicant(s)**

CASILE ET AL.

**Examiner**

Annan Q. Shang

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-8, 10, 13-24 and 26-30 are rejected under 35 U.S.C. 102(a) as being unpatentable over **Inoue (6,496,896)**.

As to claim 1-2, note the **Inoue** reference figures 1 and 4-8 discloses a transmission, reception and recording method and apparatus for a digital broadcast system and further discloses a method for providing secondary content related to primary content in a broadcast stream comprising the steps of:

GUI Data Server (GUI-DS) 109 of Terrestrial Station (Ter-S) 101 (fig. 1, col. 10, lines 1-15 and col. 10, lines 32-41) obtains and stores GUI data "secondary content" such as: video, text, EPG, etc., which relates to the main primary content or TV program material;

Ter-S 101 schedules delivery of the GUI data content, by creating a schedule for first delivery of the GUI data content prior to delivery of the primary content and at least one successive delivery of the GUI content after commencement of delivery of the primary content, in relation to non-cyclic broadcasting of the primary content (figs. 5, 6A-

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61, col. 15, line 55-col. 16, line 15, lines 28-41, col. 17, lines 12-21 and lines 33-62) and cyclically delivering the GUI data content based on the scheduling (figs 8A-8F, col. 18, lines 18-40 and col. 19, lines 1-45), note that figs 6A-6I illustrates when the data are outputted from Ter-S 101, note further that the GUI data service which provides a particular service other than an ordinary program broadcast which allows an operation for the GUI screen has an interactive performance or interactive broadcast (col. 12, lines 41-45 and col. 18, lines 6-17) and can be received at anytime, periodically and repetitively transmitted using a data Carousel (col. 19, lines 41-45).

As to claim 3-4, Inoue further discloses dynamically modifying the schedule by adjusting the schedule based on the viewer's interaction (col. 12, lines 41-45 and col. 18, lines 6-17).

As to claims 5-8, Inoue further discloses receiving at least one viewer request for retransmission and rebroadcasting of the Web content and responds to the at least one viewer request, generating the request based on the viewer profile and interaction and transmitting the GUI accordingly (col. 12, lines 41-45 and col. 17, line 50-col. 18, line 17 and col. 19, lines 10-45), note that the GUI data service which provides a particular service other than an ordinary program broadcast which allows an operation for the GUI screen has an interactive performance or interactive broadcast and can be received at anytime, periodically and repetitively transmitted using a data Carousel and the user can interact or request and receive any portion of the GUI at anytime as desired.

As to claim 10, Inoue further discloses narrowcasting the GUI data (col. 12, lines 3-46)

As to claim 13, Inoue further discloses where the transport mechanism for the MPEG TV content is a digital television broadcast stream, and the transport mechanism for the GUI data is additional data stream within the digital television broadcast stream (col. 10, lines 42-64, col. 15, line 43-col. 16, line 9 and line 42+).

As to claim 14, Inoue further discloses where the GUI data comprises content for use by an interactive television application (col. 12, lines 41-45).

As to claim 15, Inoue further discloses where the GUI data comprises an interactive television application (col. 12, lines 41-45).

As to claim 16, Inoue further discloses additional providing control information with the GUI data (col. 12, lines 41-45 and col. 17, line 50-col. 18, line 17 and col. 19, lines 10-45).

As to claim 17, Inoue further discloses where providing control information comprises including at least one unique identifier for the GUI data, an identification of the MPEG TV content to which the Web content pertains, scheduling information for future broadcasting of the GUI data, timing information regarding relating the GUI data to the MPEG TV content (col. 10, lines 42-64, col. 15, line 43-col. 16, line 9 and line 42+).

As to claim 18, Inoue further selectively transmits at least one viewer request (col. 12, lines 41-45 and col. 17, line 50-col. 18, line 17 and col. 19, lines 10-45).

As to claim 19, note the **Inoue** reference figures 1 and 4-8 discloses a transmission, reception and recording method and apparatus for a digital broadcast system and further discloses a system for providing secondary content related to

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primary content in a broadcast stream comprising:

Terrestrial Station (Ter-S) 101, obtains GUI data content "secondary content" such as: video, text, EPG, etc., which relates to the main primary content or TV program material from GUI Data Server (GUI-DS) 109 (fig. 1, col. 10, lines 1-15 and col. 10, lines 32-41), and schedules delivery of the GUI data content in relation to non-cyclic broadcasting of the primary content (figs. 5, 6A-61, col. 15, line 55-col. 16, line 15, lines 28-41, col. 17, lines 12-21 and lines 33-62); and

a Carousel "a broadcast component" cyclically delivering the GUI data content based on the scheduling (figs 8A-8F, col. 18, lines 18-40 and col. 19, lines 1-45), note that figs 6A-6I illustrates when the data are outputted from Ter-S 101, note further that the GUI data service which provides a particular service other than an ordinary program broadcast which allows an operation for the GUI screen has an interactive performance or interactive broadcast (col. 12, lines 41-45 and col. 18, lines 6-17) and can be received at anytime, periodically and repetitively transmitted using a data Carousel (col. 19, lines 41-45).

Claim 20 is met as previously discussed with respect to claim 6.

Claim 21 is met as previously discussed with respect to claim 10.

As to claims 22 and 23, Inoue further discloses transmitting the GUI data on HFC cable system, standard coax or wireless (fig. 1 and col. 26, lines 27-33).

As to claim 24, note the Inoue reference figures 1 and 4-8 discloses a transmission, reception and recording method and apparatus for a digital broadcast system and further discloses an apparatus for providing display of primary content and

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secondary content related to the primary content which is broadcast from a broadcast location comprising:

the claimed "a receiving component for receiving an input stream..." is met by Tuner/Front-ES 51 of IRD 112 (figs. 1, 11 and col. 20, lines 48-64) which receives an input stream from Terrestrial Station (Ter-S) 101 via satellite 102;

the claimed "a processing component for identifying cyclic secondary content..." is met by Central Processing Section (CPU) 80 (col. 20, line 57-col. 21, line 43 and col. 22, lines 28+) which identifies cyclic GUI data content "secondary content" such as: video, text, EPG, etc., which relates to the main primary content or TV program material (col. 10, lines 1-15 and col. 10, lines 32-41) ;

the claimed "at least one buffer location for receiving the secondary content..." is met by DSM-CC/MHEG Buffer 90 (col. 21, lines 39-67 and col. 22, lines 28+) which receives the GUI data content of the input stream from the CPU and buffers the GUI data content; and

the claimed "a display component for displaying..." is met by Display 58/114 (col. 12, lines 25-35 and col. 21, lines 51-67) which displays the GUI data content from the input stream and receives the GUI data content from DSM-CC/MHEG Buffer 90 and displays the GUI data content where the CPU 80 extracts information from the input stream and handles the GUI data content based on the control information, note that the GUI data service which provides a particular service other than an ordinary program broadcast which allows an operation for the GUI screen has an interactive performance or interactive broadcast (col. 12, lines 41-45 and col. 18, lines 6-17) and can be

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received at anytime, periodically and repetitively transmitted using a data Carousel (col. 19, lines 41-45).

As to claim 26, Inoue further discloses generating a request for retransmission of the GUI data from the broadcast location (col. 12, lines 41-45 and col. 17, line 50-col. 18, line 17 and col. 19, lines 10-45).

As to claim 27, note the **Inoue** reference figures 1 and 4-8 discloses a transmission, reception and recording method and apparatus for a digital broadcast system and further discloses a broadcast stream comprising:

a main primary content or TV program material "first ephemeral primary content;" and GUI data "at least two iterations of cyclic secondary content" such as: video, text, EPG, etc., stored on GUI Data Server (GUI-DS) 109 of Terrestrial Station (Ter-S) 101 (fig. 1, col. 10, lines 1-15 and col. 10, lines 32-41), which relates to the main primary content or TV program material and is interspersed with the TV program material (figs. 5, 6A-6I, col. 15, line 55-col. 16, line 15, lines 28-41, col. 17, lines 12-21 and lines 33-62), note that T-S 101 schedules cyclically delivers the GUI data content based on the scheduling (figs 8A-8F, col. 18, lines 18-40 and col. 19, lines 1-45), furthermore note that figs 6A-6I illustrates when the data are outputted from Ter-S 101, note further the GUI data service which provides a particular service other than an ordinary program broadcast which allows an operation for the GUI screen has an interactive performance or interactive broadcast (col. 12, lines 41-45 and col. 18, lines 6-17) and can be received at anytime, periodically and repetitively transmitted using a data Carousel (col. 19, lines 41-45).



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As to claim 28, Inoue further discloses where the first of the GUI data precedes the first of the MPEG TV content and where successive ones of the at least two GUI data accompany portions of the first MPEG TV content (col. 10, lines 42-64, col. 15, line 43-col. 16, line 9 and line 42+), note the different GUI data are broadcast in a data carousel in all the channels carrying the MPEG TV content to enable the consumer to access at anytime on demand.

Claim 29 is met as previously discussed with respect to claim 16.

Claim 30 is met as previously discussed with respect to claim 17.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Inoue (6,496,896)** as applied to claims 8, 6 and 20 above, and further in view of **Dureau et al (6,288,738)**.

As to claim 9, Inoue fails to explicitly teach counting the number of viewer requests for retransmission of the Web content and rebroadcasting the Web content upon receipt of a threshold number of viewer requests for retransmission.

However, note **Dureau** reference discloses method and apparatus for seamless connectivity of wide-band networks and narrow-band networks where a Headend 110 determines routing of Internet data via wide-band networks and narrow-band networks based on a criteria (fig. 3 and col. 5, lines 36-59), such as cost, bandwidth, size of data, number of requests, etc., and rebroadcasts the Internet requested data via wide-band network or the narrow band network (fig. 5 and col. 6, line 50-col. 7, line 14).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Dureau into the system of Inoue to provide a Headend which responds to viewer requests for Web content, and based on a threshold rebroadcast the Web content via the wide-band network for faster responses to consumer requests.

4. Claim 11, is rejected under 35 U.S.C. 103(a) as being unpatentable over **Inoue (6,496,896)** as applied to claim 1 above, and further in view of **Mankovitz (WO 98/48566)**.

As to claim 11, Mao fails to explicitly teach displaying notification data for notifying the viewer of the delivery of Web content.

However, **Mankovitz** teaches a method and apparatus for time-shifting video and text in a text-enhanced television program, where an "icon" notification data for notifying the viewer of the delivery of local content is displayed on a television to enable the viewer to be aware of secondary content (page 5, line 15-page 6, line 17).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Mankovitz into the system of Inoue to display an icon to notify the viewer of the presence of secondary data to enable the viewer to interactive and retrieve the secondary data as desired.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Inoue (6,496,896)** as applied to claim 1 above, and in view of **Zigmond et al (6,571,392)**.

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As to claim 12, Inoue fails to explicitly teach where the MPEG TV content is an analog television broadcast stream, and the transport mechanism for Web content comprises a vertical blanking interval within the analog television broadcast stream.

However, **Zigmond** further discloses and analog television broadcast where the primary content is an analog television broadcast and the secondary content or information resource is transmitted in the VBI (col. 7, lines 18-35 and col. 8, lines 40-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Zigmond into the system of Inoue to provide service to analog television broadcast system to transmit the primary content to maintain downward compatibility with existing system and the transmit secondary content using the VBI in order not to interfere with the video or frames of the primary content.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-24 and 26-30 have been considered but are moot in view of the new ground(s) of rejection. This office action is a Non-final.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Tsutsui et al (6,668,158) discloses control method, control apparatus, data receiving and recording method, data receiver and receiving method.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



**Annan Q. Shang.**



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